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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,609	07/18/2003	Makoto Masuda	1248-0662P	2438
2292	7590	07/26/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				SAFAIPOUR, HOUSHANG
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE			DELIVERY MODE	
07/26/2007			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/621,609	MASUDA ET AL.	
	Examiner	Art Unit	
	Houshang Safaipour	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,2,4,5,7,8 is/are rejected.
- 7) Claim(s) 3,6,9 and 10 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 July 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application
- 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada (US 6,563,938).

Regarding claims 1 and 4, Harada discloses a document reading device comprising: document transport means for transporting a document (fig. 1); optical reading means (scanner 20, fig. 1) for reading a document image, said optical reading means being provided with a movable exposure member (lamp 28, fig. 1) which stops at a predetermined reading position and emits light onto the document; support means (contact glass 29, fig. 1) for supporting the document being transported by the document transport means when the document passes over the reading position; a guide member (presenting member 23, fig. 2, col. 4, line 17) which serves as a guide face for guiding the document to the reading position. Member 23 does not form a predetermined inclination angle with respect to a flat-plate face of the support means (29). However, Applicant has not disclosed that positioning the guide member at an angle with respect to the support means provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the guide positioned as taught by Harada or the claimed position at an angle;

a transport path forming member for forming a transport path with the support means so that the document which passes over the reading position can be transported along the flat-plate face of the support means (transport mechanism 13, fig. 1, col. 4 lines 1-9); and

detection means (CCD 11) for detecting a leading end position of the guide member wherein the predetermined reading position is set within a range of predetermined distance in a transport direction from the leading end of said guide member as detected by said detection means, which is known beforehand to be free from stains on said support member caused by a contact with the document (col. 4, line 65 to col. 5 line 3 and lines 48-59).

Regarding claim 2, Harada discloses the document reading device according to claim 1, further comprising: a memory section for storing data on an area free from stains based on data on stain appearance frequency of said support means, wherein the predetermined reading position is set based on the data stored in the memory section (fig. 4, col. 5 line 48 to col. 6 line 28).

Regarding claim 5, Harada discloses the document reading device according to claim 4, wherein: the predetermined position is set to a position predetermined distance apart from a position facing the leading end of said guide member, as detected, and said optical reading means is moved to the predetermined position as detected (fig. 2, col. 5, lines 38-47).

Regarding claim 7, Harada discloses the document reading device according to claim 5, wherein: at least the leading end of the guide member is formed in color (white) readable by said optical reading means can read by carrying out a scanning exposure by said exposure member (col. 5, lines 1-3 and lines 48-59).

Regarding claim 8, Harada does not disclose the material used in making the guide member. However, the use of flexible material (such as Mylar) in construction of guide members is well known and routinely implemented in the art (Official Notice). Therefore it would have been obvious to a person of ordinary skill in the art to use such material in order to prevent damage to the support glass.

Allowable Subject Matter

Claims 3, 6, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Houshang safaipour
Patent Examiner
July 14, 2007

A handwritten signature in black ink, appearing to read "Houshang safaipour", is positioned to the right of the typed name and title.